

SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT
OF 1997

APRIL 23, 1997.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 449]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 449) to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Southern Nevada Public Land Management Act of 1997”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Bureau of Land Management has extensive land ownership in small and large parcels interspersed with or adjacent to private land in the Las Vegas Valley, Nevada, making many of these parcels difficult to manage and more appropriate for disposal.

(2) In order to promote responsible and orderly development in the Las Vegas Valley, certain of those Federal lands should be sold by the Federal Government based on recommendations made by local government and the public.

(3) The Las Vegas metropolitan area is the fastest growing urban area in the United States, which is causing significant impacts upon the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area, which surround the Las Vegas Valley.

(b) PURPOSE.—The purpose of this Act is to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

SEC. 3. DEFINITIONS.

As used in this Act:

- (1) The term “Secretary” means the Secretary of the Interior.
- (2) The term “unit of local government” means Clark County, the City of Las Vegas, the City of North Las Vegas, or the City of Henderson; all in the State of Nevada.
- (3) The term “Agreement” means the agreement entitled “The Interim Cooperative Management Agreement Between The United States Department of the Interior—Bureau of Land Management and Clark County”, dated November 4, 1992.
- (4) The term “special account” means the account in the Treasury of the United States established under section 4(e)(1)(C).
- (5) The term “Recreation and Public Purposes Act” means the Act entitled “An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes”, approved June 14, 1926 (43 U.S.C. 869 et seq.).
- (6) The term “regional governmental entity” means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District.

SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Direction of the Bureau of Land Management in Clark County, Nevada, as generally depicted on the map entitled “Las Vegas Valley, Nevada, Land Disposal Map”, dated June, 1996. Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

(b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

(1) RECREATION AND PUBLIC PURPOSE ACT CONVEYANCES.—Not less than 30 days before the offering of lands for sale or exchange pursuant to subsection (a), the State of Nevada or the unit of local government in whose jurisdiction the lands are located may elect to obtain any such lands for local public purposes pursuant to the provisions of the Recreation and Public Purposes Act. Pursuant to any such election, the Secretary shall retain the elected lands for conveyance to the State of Nevada or such unit of the local government in accordance with the provisions of the Recreation and Public Purposes Act.

(2) RIGHTS-OF-WAY.—

(A) ISSUANCE.—Upon application, by a unit of local government or regional governmental entity, the Secretary, in accordance with this Act and the Federal Land Policy and Management Act of 1976, and other applicable provisions of law, shall issue right-of-way grants on Federal lands in Clark County, Nevada, for all reservoirs, canals, channels, ditches, pipes, pipelines, tunnels and other facilities and systems needed for—

- (i) the impoundment, storage, treatment, transportation or distribution of water (other than water from the Virgin River) or wastewater; or
- (ii) flood control management.

(B) DURATION.—Right-of-way grants issued under this paragraph shall be valid in perpetuity.

(C) WAIVER OF FEES.—Right-of-way grants issued under this paragraph shall not require the payment of rental or cost recovery fees.

(3) YOUTH ACTIVITY FACILITIES.—Within 30 days after a request by Clark County, Nevada, the Secretary shall offer to Clark County, Nevada, the land depicted on the map entitled “Vicinity Map Parcel 177–28–101–020 dated August 14, 1996, in accordance with the Recreation and Public Purposes Act for the construction of youth activity facilities.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands identified in subsection (a) for disposal are withdrawn from location and entry, under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary terminates the withdrawal or the lands are patented.

(d) SELECTION.—

(1) JOINT SELECTION REQUIRED.—The Secretary and the unit of local government in whose jurisdiction lands referred to in subsection (a) are located shall jointly select lands to be offered for sale or exchange under this section. The Secretary shall coordinate land disposal activities with the unit of local government in whose jurisdiction such lands are located. Land disposal activities of the Secretary shall be consistent with local land use planning and zoning requirements and recommendations.

(2) OFFERING.—After land has been selected in accordance with this subsection, the Secretary shall make the first offering of land as soon as practicable after the date of enactment of this Act.

(e) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this subsection in a fiscal year—

(A) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(B) 10 percent shall be paid directly to the Southern Nevada Water Authority for water treatment and transmission facility infrastructure in Clark County, Nevada; and

(C) the remainder shall be deposited in a special account in the Treasury of the United States for use pursuant to the provisions of paragraph (3). Amounts in the special account shall be available to the Secretary without further appropriation and shall remain available until expended.

(2) LAND EXCHANGES.—

(A) PAYMENTS.—In the case of a land exchange under this section, the non-Federal party shall provide direct payments to the State of Nevada and the Southern Nevada Water Authority in accordance with paragraphs (1) (A) and (B). The payments shall be based on the fair market value of the Federal lands to be conveyed in the exchange and shall be considered a cost incurred by the non-Federal party that shall be compensated by the Secretary if so provided by any agreement to initiate exchange.

(B) PENDING EXCHANGES.—The provisions of this Act, except this subsection and subsections (a) and (b), shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management prior to February 29, 1996.

(3) AVAILABILITY OF SPECIAL ACCOUNT.—

(A) IN GENERAL.—Amounts deposited in the special account may be expended by the Secretary for—

(i) the acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h), with priority given to lands located within Clark County;

(ii) capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark County, and the Spring Mountains National Recreation Area;

(iii) development of a multispecies habitat conservation plan in Clark County, Nevada;

(iv) development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and

(v) reimbursement of costs incurred by the local offices of the Bureau of Land Management in arranging sales or exchanges under this Act.

(B) PROCEDURES.—The Secretary shall coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.

(C) LIMITATION.—Not more than 25 percent of the amounts available to the Secretary from the special account in any fiscal year (determined without taking into account amounts deposited under subsection (g)(4)) may be used in any fiscal year for the purposes described in subparagraph (A)(ii).

(f) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended according to the provisions of subsection (e)(3).

(g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND TRANSFER.—Upon request of Clark County, Nevada, the Secretary shall transfer to Clark County, Nevada, without consideration, all right, title, and interest of the United States in and to the lands identified in the Agreement, subject to the following:

(1) Valid existing rights.

(2) Clark County agrees to manage such lands in accordance with the Agreement and with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated pursuant to that section.

(3) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed or leased by Clark County, such sale, lease, or other conveyance shall contain a limitation which requires uses compatible with the Agreement and such Airport Noise Compatibility Planning provisions.

(4) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed by Clark County, such lands shall be sold, leased, or otherwise conveyed for fair market value. Clark County shall contribute 85 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the special account. If any of such lands sold, leased, or otherwise conveyed by Clark County are identified on the map referenced in section 2(a) of the Act entitled “An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes”, approved December 23, 1980 (94 Stat. 3381; commonly known as the “Santini-Burton Act”), the proceeds contributed to the special account by Clark County from the sale, lease, or other conveyance of such lands shall be used by the Secretary of Agriculture to acquire environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Santini-Burton Act. Clark County shall contribute 5 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the State of Nevada for use in the general education program of the State, and the remainder shall be available for use by the Clark County Department of Aviation for the benefit of airport development and the Noise Compatibility Program.

SEC. 5. ACQUISITIONS.

(a) ACQUISITIONS.—

(1) DEFINITION.—For purposes of this subsection, the term “environmentally sensitive land” means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(B) enhance recreational opportunities and public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(2) IN GENERAL.—After the consultation process has been completed in accordance with paragraph (3), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Lands may not be acquired under this section without the consent of the owner thereof. Funds made available from the special account may be used with any other funds made available under any other provision of law.

(3) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary or the Secretary of Agriculture shall consult with the State of Nevada and with local government within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. Consultation under this paragraph is in addition to any other consultation required by law.

(b) ADMINISTRATION.—On acceptance of title by the United States, land and interests in land acquired under this subsection that is within the boundaries of a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

(c) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of land or an interest in land to be acquired by the Secretary or the Secretary of Agriculture under this subsection shall be determined pursuant to section 206 of the Federal Land Policy and Management Act of 1976 and shall be consistent with other applicable requirements and standards. Fair market value shall be determined without regard to the presence of a species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1) of title 31, United States Code, is amended as follows:

- (1) By striking “or” at the end of subparagraph (F).
- (2) By striking the period at the end of subparagraph (G) and inserting “; or”.
- (3) By adding at the end the following:
“(H) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1997 that is not otherwise described in subparagraphs (A) through (G).”

SEC. 6. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report on all transactions under this section.

SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.

(a) TRANSFER OF REVERSIONARY INTEREST.—

(1) IN GENERAL.—Upon request by a grantee of lands within Clark County, Nevada, that are subject to a lease or patent issued under the Recreation and Public Purposes Act, the Secretary may transfer the reversionary interest in such lands to other non-Federal lands. The transfer of the reversionary interest shall only be made to lands of equal value, except that with respect to the State of Nevada or a unit of local government an amount equal to the excess (if any) of the fair market value of lands received by the unit of local government over the fair market value of lands transferred by the unit of local government shall be paid to the Secretary and shall be treated under subsection (e)(1) of this section as proceeds from the sale of land. For purposes of this subsection, the fair market value of lands to be transferred by the State of Nevada or a unit of local government may be based upon a statement of value prepared by a qualified appraiser.

(2) TERMS AND CONDITIONS APPLICABLE TO LANDS ACQUIRED.—Land selected under this subsection by a grantee described in paragraph (1) shall be subject to the terms and conditions, uses, and acreage limitations of the lease or patent to which the lands transferred by the grantee were subject, including the reverter provisions, under the Recreation and Public Purposes Act.

(k) AFFORDABLE HOUSING.—The Secretary, in consultation with the Secretary of Housing and Urban Development, may make available land in the State of Nevada at less than fair market value and under other such terms and conditions as he may determine in accordance with local land use planning and zoning requirements and recommendations for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities. For the purposes of this subsection, housing shall be considered to be affordable housing if the housing serves low income families as defined under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et. seq.).

SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON NATIONAL CONSERVATION AREA.

Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) is amended to read as follows:

“(2) The conservation area shall consist of approximately 195,780 acres as generally depicted on the map entitled ‘Red Rock Canyon National Conservation Area Administrative Boundary Modification’, dated August 8, 1996.”

PURPOSE OF THE BILL

The purpose of H.R. 449 is to provide for the orderly disposal of certain federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 449 builds on the existing Santini-Burton Act which involves the sale of Bureau of Land Management (BLM) lands in Clark County, Nevada, and purchase of environmentally sensitive lands in Nevada.

Driven by sustained growth, the Las Vegas/Clark County area is among the fastest-growing areas in the United States for the past five years. In 1994, the Las Vegas area experienced a gain in average annual employment of 53,900, and local government issued 25,570 residential building permits. During 1994 and 1995, several large casino-resorts opened in Las Vegas, adding 20,100 jobs to the area's economy and over the past eight years, local governments have issued more than 160,000 residential building permits. Clark County now has an estimated population of over one million. While the growth rate settled to 5.5 percent in 1995 compared with 9.6 percent in 1994, the area continues to be the most rapidly growing areas in the United States.

The unprecedented growth has created enormous demands upon the BLM in Las Vegas. With an increasing demand for large, contiguous tracts of land, the phenomenal growth in the Las Vegas area has triggered the greatest demand for public land exchanges and other realty transactions in the BLM's history.

Clark County and other units of local government are impacted by the privatization of federal land through the land exchange and land sale processes. Large tracts of land in the Las Vegas valley continue to be privatized in exchange for land elsewhere in the State that is deemed to be "environmentally sensitive" by various agencies of the federal government. Most of the land transferred to federal ownership through these exchanges is outside of Clark County. In the last decade, the BLM has privatized approximately 17,380 acres of land in Clark County. The sale and privatization of these federal lands through land exchanges has an enormous impact upon Clark County. The land exchange process has forced the local government to shoulder the burden of providing essential infrastructure, such as roads, water delivery and electricity.

H.R. 449 establishes a process to provide for the orderly disposal of federal lands in Clark County and to provide for the acquisition of environmentally sensitive lands in the State of Nevada. The Secretary of the Interior and the unit of local government in whose jurisdiction the lands are located shall jointly select lands to be offered for sale or exchange.

Legislation in the 104th Congress, H.R. 3127, provided that the revenue generated by the sale of these lands would be split evenly (50/50) among the federal government and the State and local governments. After extensive negotiations with the Administration, Congressman John Ensign (R-NV), the author of H.R. 3127 and H.R. 449, agreed to change the revenue split. Currently, the legislation designates that 85 percent of the generated revenue would go to the federal government for acquisition of environmentally sensitive lands, a multi-species habitat conservation plan for Clark County, open space and park development in Clark County and rehabilitation of existing federal facilities, such as Red Rock National Conservation Area or Lake Mead National Recreation Area. The re-

maining 15 percent would remain in the State of Nevada, with 10 percent being used by the Southern Nevada Water Authority to offset a \$1.7 billion water delivery system for the Las Vegas valley and 5 percent directed to the State of Nevada general education fund.

COMMITTEE ACTION

H.R. 449 was introduced on January 20, 1997, by Congressman John Ensign. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On March 13, 1997, the Subcommittee held a hearing on H.R. 449, where the Subcommittee received testimony from State and local officials who testified in full support of H.R. 449. The testimony described the growth problems facing the Las Vegas valley and the past problems with the land exchange process. The Administration, through Deputy Director of the BLM Matt Millenbach, testified in support of H.R. 449 and the concept of selling these federal lands at open auction to obtain fair market value for these assets. On April 10, 1997, the Subcommittee met to mark up H.R. 449. An amendment in the nature of a substitute was offered by Congressman Ensign, and adopted by voice vote. The amendment satisfied many of the concerns of the Administration and the minority party Members of the Subcommittee and made mostly technical changes to the bill. The primary change eliminated any environmental waivers in regard to the 38 acres of land being transferred for youth recreational purposes. The bill was then ordered favorably reported to the Full Committee by voice vote. On April 16, 1997, the Full Resources Committee met to consider H.R. 449. Several technical amendments offered en bloc by Congressman Ensign were adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section designates the title of the Act as the Southern Nevada Public Land Management Act of 1997.

SECTION 2. FINDINGS AND PURPOSE

This section enumerates the following Congressional findings: (1) the BLM has extensive land ownership in small and large parcels interspersed with or adjacent to private land in the Las Vegas valley, making many of these parcels difficult to manage and more appropriate for disposal; (2) in order to promote responsible and orderly development in the Las Vegas valley, certain of those federal lands should be sold or exchanged by the federal government based on recommendations made by local government and the public; and (3) the Las Vegas metropolitan area is the fastest growing urban area in the United States which is causing significant impacts upon the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area, which surround the Las Vegas valley.

Section 2 states that the purpose of this Act is to provide for the orderly disposal of certain federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

SECTION 3. DEFINITIONS

This section defines six terms as they are used throughout the Act.

SECTION 4. DISPOSAL AND EXCHANGE

This section directs the Secretary of the Interior to dispose of BLM land in the Las Vegas valley as shown on the map accompanying this Act. Due to the lack of legal descriptions for current wilderness study areas surrounding the disposal area, it is the intent of the Committee that no lands designated as wilderness study areas be included within the disposal boundary. The Committee urges the BLM to identify those areas where wilderness study lands about the disposal area and insure that these potential wilderness areas are not transferred under this Act. It allows the State of Nevada or a unit of local government to reserve BLM land for local public purposes before it is sold or exchanged under this Act; if such land ceases to be used for public purposes it shall revert to the federal government. The BLM is also directed to issue right-of-way grants across federal land to local government entities for the development of water or wastewater distribution systems and for flood control management; such right-of-way grants would be issued in perpetuity and would not require the payment of rental fees. This section also directs the BLM to make land available for certain youth activity facilities. It also withdraws all lands identified for disposal from location, entry, and patent under the mining laws. Lastly, Subsection (d) requires joint selection of the public lands available for disposal. The Secretary and local government shall work together to identify the lands to be sold or exchanged. The disposal actions must be consistent with local land use plans and disposal actions shall be coordinated with the local government.

Section 4 also directs that the proceeds of federal land sales and exchanges be deposited in a special account to be shared among federal, state, and local government for specified purposes. The federal share (85 percent) is for use by the Secretary of the Interior in consultation with the Secretary of Agriculture (U.S. Forest Service) for the acquisition of environmentally sensitive land in the State of Nevada and for infrastructure needs at the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area and other BLM administered areas in southern Nevada, and the Spring Mountains National Recreation Area. The federal share may also be used for the development of a multi-species habitat conservation plan and the development of parks, trails, and natural areas in southern Nevada pursuant to a cooperative agreement with a unit of local government. The state share (5 percent) is for use in the general education program of the State. The local share (10 percent) is for use by the Southern Nevada Water Authority for water treatment and transmission facility infrastructure development.

This Section also transfers title to all BLM land associated with the McCarran Airport Noise Compatibility Program to Clark County, Nevada. The management of these lands by Clark County would be subject to Federal Aviation Administration regulations and an existing agreement between the BLM and Clark County. If Clark County were to sell, lease or otherwise convey any of these lands that had previously been identified for sale under the Santini-Burton Act, Clark County would be required to contribute 85 percent of all proceeds to the special account for the purpose of acquiring environmentally sensitive land in the Lake Tahoe Basin pursuant to the Santini-Burton Act.

The language contained in Subsection (e)(2)(b) affects the land exchanges that are currently being processed where the initial "agreement to initiate" was signed prior to February 29, 1996. Most of the provisions of this Act do not apply to these ongoing land exchange transactions. The provisions that do apply are contained in Subsections (a), (b) and (e) of Section 4. Subsections (a) and (b) authorize the disposal of lands and recognize certain authorization opportunities for recreation and public purposes and rights-of-way. Subsection (e) deals with the distribution of the proceeds including the payment, by the non-federal exchange party, of 15 percent of the value of the public lands involved to the local government. This provision assures the payment to local government by both the current and future exchange proponents.

Based on this language, the land exchange proponent involved in a current or future transaction will be responsible for the payment of 15 percent of the value of the public lands to the local government. It is the intent of the Committee that an existing exchange proponent will provide 85 percent of the value of exchange lands to the BLM and 15 percent of the value to the State and local government pursuant to Subsection (e)(2)(A) of Section 4 and the BLM shall provide 100 percent of value to the exchange proponent in the form of land or cash equalization.

Subsection 4(g) contains provisions for the conveyance of public lands to Clark County that are located within the airport environs agreement. As is the case with the public lands involved in this bill, it is the intent that these lands in turn will be transferred as soon as practicable to private ownership by the County with appropriate use restrictions or covenants to assure uses that are compatible with airport noise standards. The lands or interest therein are to be sold, leased or otherwise conveyed at fair market value.

SECTION 5. ACQUISITIONS

This Section defines environmentally sensitive land as land that would promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity, enhance recreational opportunities and public access; provide the opportunity to achieve better management of public land through consolidation of federal ownership; or otherwise serve the public interest. The Section requires the appropriate federal land management agency to consult with the State of Nevada and with local government concerning the necessity of making the acquisition and the potential impacts on State and local government. It is the intent of the Committee that

when acquiring lands, priority first be given to Clark County and then to the Lake Tahoe area by the Secretaries of Interior and Agriculture. The Section also requires that the appraised fair market value of the land to be acquired be determined by an appraisal made under the Federal Land Policy and Management Act. Finally, the Section requires that any land acquired by the federal government be subject to the Payment in Lieu of Taxes program administered by the Department of the Interior and the U.S. Forest Service.

SECTION 6. REPORT

This section requires the Secretary of the Interior, in cooperation with the Secretary of Agriculture, to submit an annual report to the appropriate Congressional committees on all transactions carried out under the Act.

SECTION 7. RECREATION AND PUBLIC PURPOSES ACT

Section 7 provides for the Secretary to make public lands available for affordable housing after consultation with the Secretary of Housing and Urban Development. The lands can be conveyed at less than market value but may only be conveyed to State and local jurisdictions. The intent of this section is to allow local government to purchase public lands that are identified for land disposal by the BLM in land use plans.

SECTION 8. BOUNDARY MODIFICATION OF RED ROCK CANYON NATIONAL CONSERVATION AREA

This section modifies the boundaries of the Red Rock Canyon National Conservation Area to exclude a proposed flood control detention basin and diversion channel.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact H.R. 449.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 449. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 449 does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. The bill will increase offsetting receipts to the federal government by approximately \$70 million in fiscal year 1998, with total receipts at about \$350 million over the 1998–2002 period. In addition, the bill increases direct spending.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 449.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 449 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 23, 1997.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 449, the Southern Nevada Public Land Management Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 449—Southern Nevada Public Land Management Act of 1997

Summary: H.R. 449 would authorize the Secretary of the Interior to dispose of certain federally owned lands in Clark County, Nevada, and use the proceeds to purchase environmentally sensitive land and for certain other activities. CBO estimates that enacting the bill would increase offsetting receipts to the government from asset sales by about \$70 million in fiscal year 1998, and by a total of about \$350 million over the 1998–2002 period. In addition, we estimate that enacting the bill would increase direct spending by \$20 million in fiscal year 1998, and by \$287 million over the 1998–2002 period. Because enacting H.R. 449 would affect direct spending, pay-as-you-go procedures would apply to the bill.

H.R. 449 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal govern-

ments. The state of Nevada, Clark County, and the Southern Nevada Water Authority would benefit from various provisions of this bill.

Description of the bill's major provisions

H.R. 449 would:

- provide that 85 percent of the gross proceeds from the sale of certain federal land in Clark County, Nevada, be placed in a special account in the Treasury; interest on the principal would be added to that account, and amounts in the special account would be available to the Secretary of the Interior, without further appropriation, to acquire environmentally sensitive land and for certain other purposes;

- provide that of the gross proceeds from sale of those lands, 5 percent shall be paid directly to the state of Nevada and 10 percent shall be paid directly to the Southern Nevada Water Authority for certain purposes;

- require that the nonfederal party pay the state of Nevada and the Southern Nevada Water Authority 5 percent and 10 percent (respectively) of the fair market value of the federal lands exchanged under section 4;

- waive the fees for right-of-way grants issued on federal lands in Clark County, Nevada, upon application by a unit of local government or regional government entity;

- direct the Secretary to offer, within 30 days after a request by Clark County, Nevada, certain land for the construction of youth activity facilities;

- direct the Secretary to transfer without consideration, upon the request of Clark County, Nevada, all right, title, and interest of the United States in and to the airport environs overlay district lands identified in an agreement between the Bureau of Land Management (BLM) and Clark County; if the county subsequently conveys that land to a third party, the county would be required to contribute 85 percent of the gross proceeds from the conveyance to the BLM special account;

- provide that any land acquired by the federal government under Section 5 of H.R. 449 be included in the payments in lieu of taxes (PILT) calculation;

- authorize the Secretary to transfer the reversionary interest in federal lands in Clark County, Nevada, subject to a lease or patent under the Recreation and Public Purposes Act to other nonfederal lands; if the fair market value of the nonfederal lands were less than that of the federal lands under the original lease or patent, the bill would require the unit of local government to pay the difference to the Secretary of the Interior;

- authorize the Secretary to make available any federal land in Nevada at less than fair market value for affordable housing purposes; and

- modify the boundaries of the Red Rock Canyon National Conservation Area to include an additional acreage.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 449 is shown in the table below. The bill also could affect spending subject to appropriation, but CBO estimates

that any changes in discretionary spending would be less than \$500,000 a year.

	By fiscal years, in millions of dollars—					
	1997	1998	1999	2000	2001	2002
CHANGE IN DIRECT SPENDING						
Estimated budget authority	0	70	73	74	74	74
Estimated outlays	0	20	50	70	73	74
ASSET SALE RECEIPTS ¹						
Estimated budget authority	0	–70	–70	–70	–70	–70
Estimated outlays	0	–70	–70	–70	–70	–70

¹ Under the 1997 budget resolution, proceeds from asset sales are counted in budget totals for purposes of Congressional scorekeeping. Under the Balanced Budget Act, however, proceeds from asset sales are not counted in determining compliance with the discretionary spending limits or pay-as-you-go requirement.

The costs of this legislation fall within budget function 300 (natural resources and the environment).

Basis of estimate

Direct spending and asset sale receipts

Under current law, the Secretary of the Interior has the authority to dispose of federal lands on the Las Vegas Valley, Nevada, Land Disposal Map specified in H.R. 449. The department's current policy is to dispose of the land by exchanging it for environmentally sensitive land of equal value. Such exchanges generate no receipts to the Treasury. Because the bill would authorize the Secretary of the Interior to spend a portion of the proceeds from sale of the land, without further appropriation, enacting the bill would likely result in sale of the federal lands rather than exchange. Such sales would be considered nonroutine asset sales.

Based on information from BLM and Clark County, roughly 27,000 acres of federal land on the Las Vegas Valley, Nevada, Land Disposal Map specified in H.R. 449 would be suitable for sale, after accounting for local government selections under the Recreation and Public Purposes Act and other restrictions on land within the disposal area. The proceeds from sale of the land are highly uncertain and would depend on many factors including: mutual agreement between BLM and the units of local government in selecting the lands to be offered for sale, how quickly the land is sold, the number of acres sold in each transaction, and the general real estate market in Clark County. CBO estimates that proceeds would be about \$70 million annually and would total about \$350 million over the fiscal year 1998–2002 period.

Section 4 of the bill provides that of the gross proceeds from sale of land, 5 percent shall be paid directly to the state of Nevada and 10 percent shall be paid directly to the Southern Nevada Water Authority. CBO estimates that these payments would total about \$10 million per year, or about \$50 million over the 1998–2002 period.

Section 4 would place 85 percent of the gross proceeds from sale of federal land identified on the Las Vegas Valley, Nevada, Land Disposal Map in a special account in the Treasury. The bill provides that interest be added to the principal in the special account; such interest payments would not affect receipts to the Treasury, but it would increase the funds available in the special account.

Amounts in the special account would be available to the Secretary of the Interior, without further appropriation, to spend for acquisition of environmentally sensitive lands, capital improvements at certain national recreation areas and refuges, development of a conservation plan in Clark County, development of parks and trails, and reimbursement of the agency costs incurred in arranging the land disposal. CBO estimates that spending from the special account would total \$10 million in fiscal year 1998, and \$237 million over the 1998–2002 period.

Under the Balanced Budget Act, proceeds from nonroutine asset sales may not be used to offset any additional direct spending in a bill. Therefore, for purposes of pay-as-you-go scorekeeping under that act, CBO estimates that enacting the bill would increase direct spending by \$20 million in fiscal year 1998, and by a total of \$287 million over the 1998–2002 period. Under the 1997 budget resolution, however, asset sale receipts are counted in budget totals for purposes of Congressional scorekeeping. For purposes of Congressional scorekeeping, CBO estimates that enacting the bill would result in net budgetary savings of \$50 million in fiscal year 1998, and net savings of \$63 million over the 1998–2002 period.

A number of other provisions in the bill could affect direct spending, but CBO estimates that for most of those other provisions any change in direct spending would be insignificant. In two cases (described below), the impact could be significant, but we have no basis for estimating the amounts of potential changes.

Section 4 would direct the Secretary of the Interior to offer to Clark County, Nevada, the land, depicted on the map entitled “Vicinity Map Parcel 177–28–101–020 dated August 14, 1996,” for the construction of youth activity facilities. Section 4 also provides that, upon request of Clark County, the Secretary shall transfer to the county certain land in the Airport Environs Overlay District. Based on information from BLM, under current law these federal lands will be unlikely to generate receipts of the Treasury. Therefore, CBO estimates that enacting these provisions probably would not affect direct spending. If the county subsequently conveys the land in the Airport Environs Overlay District, the conveyance must be at fair market value, and the county must contribute 85 percent of the gross proceeds from the conveyance to the special account in the Treasury. This provision could affect offsetting receipts, but CBO cannot predict if or when such a conveyance might occur.

Section 7 of the bill would authorize the Secretary of the Interior, in consultation with the Secretary of Housing and Urban Development, to make available any land in the state of Nevada at less than fair market value for affordable housing purposes. Enacting this provision could result in a loss of receipts if federal land which would have been sold at fair market value were now sold for something less than fair market value; the provision could also increase receipts if it caused additional sales. CBO has no basis for predicting which federal lands might be sold under this provision or the price at which they might be sold. Therefore, we cannot estimate the budgetary effect of this provision.

Spending subject of appropriation

H.R. 449 provides that the entitlement lands used to calculate payments in lieu of taxes (PILT) to units of local government include any lands acquired by the federal government under section 5 of the bill. Calculation of PILT is based on the amount of federally owned acreage, subject to a population cap. Enacting H.R. 449 could increase the total number of federally owned acres, since the fair market value of the BLM land to be disposed of in Clark County may be higher than that of the environmentally sensitive land acquired under this bill, but according to BLM, Clark County's PILT is already subject to a population cap.

Therefore, we estimate that enacting H.R. 449 would not affect PILT to Clark County. Since the bill would direct the Secretary of the Interior to give priority to the acquisition of environmentally sensitive lands in Clark County, we estimate that the bill would be unlikely to affect PILT to other units of local government significantly. Any changes to PILT would be subject to appropriation.

H.R. 449 would modify the boundaries of the Red Rock Canyon National Conservation Area to include additional acreage. Based on information from BLM, CBO estimates that the agency would incur costs to manage the additional acreage, but that any effect on discretionary spending would total less than \$100,000 per year.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Under that act, proceeds from nonroutine asset sales may not be used to offset any additional direct spending in a bill. For reasons of pay-as-you-go scorekeeping, CBO estimates that enacting H.R. 449 would increase direct spending by about \$20 million in fiscal year 1998.

Estimated impact on State, local, and tribal governments: H.R. 449 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

The state of Nevada, Clark County, and the Southern Nevada Water Authority would benefit from various provisions of this bill. As noted above, CBO estimates that payments to the state and to the authority out of the proceeds of land sales would total about \$50 million over the fiscal year 1998–2002 period. In addition, the bill would allow local governments in Clark County to receive right-of-way grants on federal lands without paying fees that may be charged under current law. CBO estimates that this provision would allow these governments to avoid fees totaling less than \$50,000 per year.

H.R. 449 would give the local government in whose jurisdiction these lands are located (Clark County, in most cases) joint authority, along with the federal government, to select lands to be offered for sale. This would allow local governments to control the pace and direction of private development and limit the demand for public facilities.

Also included in the bill are several provisions that would allow the state and local governments in Clark County to obtain federal lands at little or no cost. These include the provision directing the Secretary of Interior to transfer certain lands in the Airport Envi-

rons Overlay District to Clark County. According to county officials, this transfer would ease the administrative burden of managing the development of these lands. In addition, under the terms of this bill, the county could convey this land to private parties and retain 15 percent of the proceeds. The remaining proceeds would have to be turned over to the federal government. CBO is unable to predict if or when such a conveyance might occur.

Estimated impact on the private sector: The bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Victoria V. Heid. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 449 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 6901 OF TITLE 31, UNITED STATES CODE

* * * * *

§ 6901. Definitions

In this chapter—

(1) “entitlement land” means land owned by the United States Government—

(A) * * *

* * * * *

(F) that is located in the vicinity of Purgatory River Canyon and Pinon Canyon, Colorado, and acquired after December 23, 1981, by the United States Government to expand the Fort Carson military installation; **[or]**

(G) that is a reserve area (as defined in section 401(g)(3) of the Act of June 15, 1935 (16 U.S.C. 715s(g)(3)))**[.]** ; or

(H) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1997 that is not otherwise described in subparagraphs (A) through (G).

* * * * *

**SECTION 3 OF THE RED ROCK CANYON NATIONAL
CONSERVATION AREA ESTABLISHMENT ACT OF 1990**

SEC. 3. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) IN GENERAL.—(1) * * *

* * * * *

[(2) The conservation area shall consist of approximately 195,610 acres as generally depicted on a map entitled “Red Rock Canyon National Conservation Area—Proposed Expansion”, numbered NV–RRCNCA–002, and dated July 1994.]

(2) *The conservation area shall consist of approximately 195,780 acres as generally depicted on the map entitled “Red Rock Canyon National Conservation Area Administrative Boundary Modification”, dated August 8, 1996.*

* * * * *

